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**CHARIS LEX P.C.**

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TESLA, INC.

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

TESLA, INC., a Delaware corporation,

Plaintiff,

vs.

MARTIN TRIPP, an individual,

Defendant.

Case No. 3:18-cv-00296-LRH-CBC

**TESLA, INC.'S RESPONSE TO TRIPP'S  
MOTION TO SEAL HIS *DAUBERT*  
MOTION TO EXCLUDE EXPERT  
OPINION AND TESTIMONY (ECF NO. 87)**

AND RELATED COUNTERCLAIMS

Plaintiff and Counter-Defendant Tesla, Inc., hereby submits this response to Defendant and Counter-Claimant Martin Tripp's motion to seal his motion to exclude the testimony of Jeffrey Kinrich (ECF No. 87). The only information Tesla seeks to seal is the salary information of its employees and the rates paid to Nisos Group contained in Jefferey Kinrich's expert report and its exhibits.<sup>1</sup> This is confidential information whose disclosure would invade Tesla's employee's rights of privacy and would reveal sensitive financial data concerning Nisos Group. *See, e.g., Aerodynamics Inc. v. Caesars Entm't Operating Co.*, No. 2:15-cv-01344-JAD-PAL, 2015 U.S. Dist. LEXIS 129588, at \*46 (D. Nev. Sep. 24, 2015) (sealing financial information, including amounts paid by vendors and salary information). Significantly, none of this information is relevant to Tripp's motion as illustrated by Tripp's redaction of Exhibits 1 and 3 to Jeffrey Kinrich's report.

Nonetheless, Tripp's redactions are insufficient to protect these third-party interests as the relevant financial information is also revealed in paragraphs 16-17 and 24 of Kinrich's report and in Exhibit 2 to Kinrich's report. Thus, Tesla is concurrently submitting a revised version of Jefferey Kinrich's report and exhibits with adequate redactions.<sup>2</sup> Tesla respectfully submits that the version of Kinrich's report submitted as Exhibit C to Tripp's *Daubert* Motion to Exclude Expert Opinion and Testimony (ECF No. 86) be sealed. Tesla does not request the sealing of any other portion of ECF No. 86.

Dated: August 28, 2019

**CHARIS LEX P.C.**

By: /s/ Sean P. Gates  
 Sean P. Gates  
 Attorneys for Plaintiff and  
 Counter-Defendant Tesla, Inc.

<sup>1</sup> If Tripp's counsel had met and conferred on these motions, they would have been aware of the limited information Tesla is requesting to be sealed.

<sup>2</sup> The revised report is attached hereto as Exhibit 2.

**CERTIFICATE OF SERVICE**

I hereby certify and declare under penalty of perjury that on August 28, 2019, I electronically filed the foregoing **TESLA, INC.'S RESPONSE TO TRIPP'S MOTION TO SEAL HIS DAUBERT MOTION TO EXCLUDE EXPERT OPINION AND TESTIMONY (ECF NO. 87)** with the Court's CM/ECF system which will send notification of such filing to counsel of record for all parties including:

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